

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ROBERT C. WERLEY,</b>	:	<b>CIVIL ACTION</b>
<b>Petitioner</b>	:	
	:	
<b>v.</b>	:	<b>No. 07-2256</b>
	:	
<b>JOSEPH NISH, et al.,</b>	:	
<b>Respondents</b>	:	

**ORDER**

**STENGEL, J.**

AND NOW, this 28th day of August, 2007, upon independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for writ of habeas corpus is DISMISSED without prejudice.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of the court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.